

individual names, which, when good, inspire confidence in trade. As a substitute for these, should this bill become a law, all who prize highly their good names would soon be driven into the use of corporate names or out of business. In most respects the result would be unwholesome. It would be fictitious capital against honest investments; corporate rapacity against individual effort; fraud against fair dealing; combination against competition; commercial wrecks against business prosperity; confusion instead of confidence, and possibly anarchy in place of law and order. It would release personal responsibility, dwarf individual independence and lead to consequences detrimental to the best interests of the public. We have too many corporations now for the country's good. Individual effort, independent action, freedom of trade, should no further receive a blight from them by consent of the State government.

Very respectfully,

[Signed]

J. S. HOGG,
Governor of Texas.

Received in the Senate April 13, 1893.

A. M. KENNEDY,
Secretary of Senate.

The chair announced that this was a veto message, and that this was the last day when same could be received. That for this reason he had directed the Secretary to receive and file it, notwithstanding there was no quorum.

By Senator Imboden:

Resolved, That all excuses for absence from the sessions of the Senate, except in cases of sickness, are hereby revoked and that the Sergeant-at-Arms be and he is instructed to notify by telegraph all Senators absent from the present session of the Senate of this action on the part of the Senate, and that he compel their attendance.

By Senator Baldwin:

Amend by inserting the words "by telegram," after the word "notice."

Senator Lewis made the point of order that as some members had been duly excused by a majority of the Senate, a minority could not now revoke the excuses granted by the majority.

The Chair ruled the point not well taken.

By Senator Jester:

Substitute the resolution and amendment thereto as follows:

Resolved, That the Sergeant-at-Arms be required to compel the at-

tendance by telegram, or otherwise, of all unexcused Senators, immediately.

Adopted.

The resolution as substituted was then adopted.

On motion of Senator Jester, Senate adjourned to 10 a. m. to-morrow.

EIGHTY-FIRST DAY.

SENATE CHAMBER,
AUSTIN, TEXAS, April 14, 1893.

Senate met pursuant to adjournment.

Lieutenant-Governor Crane in the chair.

Roll called.

Quorum present, the following Senators answering to their names:

PRESENT—24.

Agnew,	Imboden,
Baldwin,	Jester,
Boren,	Lawhon,
Bowser,	Lewis,
Cranford,	McComb,
Crowley,	McKinney,
Dean,	Presler,
Dickson,	Shelburne,
Douglass,	Smith,
Goss,	Steele,
Greer,	Swayne,
Hutchison,	Tips.

EXCUSED—7.

Atlee,	Whitaker,
Browning,	Woods,
Kearby,	Yoakum.
Simpson,	

The chaplain, Dr. Briggs, being absent, Rev. G. C. Rector was introduced and prayed as follows:

Our Father in Heaven, we come as Thy children, disobedient and ungrateful; we feel like hiding our face from our Heavenly parent and fleeing from the holy presence of our Lord. But our sins are an argument for our coming. To whom can we go for pardon, but to the One we have wronged; from whom receive strength to resist evil, but from the giver of such strength. We thank Thee that Jesus came to seek and to save the lost. For His sake forgive our sins and make us strong against temptation. Then may we do life's work and realize that the all-seeing eye is directing our effort, and that the hand of God is moving us to the accomplishment of the task. Put Thy hand upon each of Thy servants here and may he feel that he is a worker together with God. Let Thy love spread its wings over this land Thou hast given us and may it guard our homes

from sin and grief. May our people that fear God and fulfil His purposes for Jesus sake. Amen.

Pending the reading of the journal of April 8,

On motion of Senator Jester the reading of the same was suspended.

Senator Imboden moved to correct the journal of the 8th so as to show that there was a quorum present on that day.

The journal was so corrected.

Pending the reading of the journal of the 12th inst., on motion of Senator Douglass the reading of the same was suspended.

Pending the reading of the journal of the 13th inst., on motion of Senator Jester the reading of the same was suspended.

On motion of Senator Douglass, Senator Dickson was excused for non-attendance on last Wednesday on account of sickness in his family.

On motion of Senator Lawhon, Chief Porter Irwin was excused indefinitely on account of sickness.

On motion of Senator Jester, Senator Steele was excused for non-attendance on last Wednesday.

On motion of Senator Imboden, all Senators who were absent on last Wednesday were excused for non-attendance.

Senator Goss moved to excuse Senator McKinney for non-attendance on last Thursday.

Senator Imboden moved to amend by including all absentees on that day.

Senator Goss accepted the amendment, and the motion as amended was then adopted.

PETITIONS AND MEMORIALS.

By Senator Agnew:

Petition from Miss Elizabeth Ney asking for the establishment of an academy of the high arts in Texas.

Read first time and referred to Committee on Education.

BILLS AND RESOLUTIONS.

By Senator Bowser:

Concurrent resolution requesting the Senators and Representatives of Texas in Congress to secure an appropriation to open up the Trinity river for permanent navigation.

Read and referred to Committee on Internal Improvements.

Call concluded.

The Chair laid before the Senate House bill No. 295, entitled "An act to fix the rate of taxation on insurance companies, telephone companies, sleeping and dining car companies and other corporations; to prescribe

the time and manner of collecting such taxes; to provide penalties for the violation of the provisions of this act, and to repeal all laws and parts of laws in conflict therewith."

HOUSE MESSAGE.

HOUSE OF REPRESENTATIVES.

AUSTIN, TEXAS, April 14, 1893.

Hon. M. M. Crane, President of the Senate:

SIR: I am directed by the House to inform the Senate of the passage by the House of the following bills, to-wit:

Senate bill No. 157, "An act to reorganize the Second and Ninth judicial districts, and fix the times for holding court therein," with amendments.

House bill No. 377, "An act to prevent the catching or taking of fish, except with the ordinary hook, line and pole, or trot line, and to prevent the use of traps, nets, seines, chinaberries, indiaberries or other poisonous substances, or dynamite, giant powder, nitro-glycerine or other explosive compounds in any waters in the counties of Cherokee, Burnet, Hardin, Liberty, Tyler, Harrison, Gregg, Nacogdoches, Tom Green and Bexar, State of Texas, for the purpose of catching or taking of fish therefrom, and to provide penalties for the violation of the provisions of this act."

Passed by a two-third vote; ayes 88, noes none.

House bill No. 457, "An act to amend title 10 of the Code of Criminal Procedure of the State of Texas, by adding article 852a thereto."

Passed by a two-third vote; ayes 87, noes 6.

And that the House refuses to concur in Senate amendments to House bill No. 405, and asks for a free conference committee, and appoints Messrs. Wheeler, Dodd, Curry, Wester and Mills as such committee on the part of the House.

And that the House grants the request of the Senate for a free conference committee on substitute Senate bills Nos. 29, 36, 82, 126 and 128, and appoints Messrs. Weinert, Sherrill, Cunningham, Fagan of Lamar and Tankersley as such committee on the part of the House.

Senate bill No. 229, "An act to diminish the civil and criminal jurisdiction of the county courts of Castro and Hartley counties and to repeal all laws in conflict herewith."

Passed by two-thirds vote; ayes 89, noes 2.

House substitute for House bill No. 652, "An act to protect employes and

guarantee their rights to belong to labor organizations, and to provide penalties and punishments against persons and corporations for violations of this act."

House bill No. 657, "An act to create a more efficient road system in the county of Guadalupe and auxiliary thereto, to provide for the appointment of road overseers, to define the powers and jurisdiction of the commissioners court with regard thereto, to utilize the labor of county convicts and defaulting poll tax payers on the public roads of said county, and to provide adequate penalties for the violation of the provisions of this act."

House bill No. 687, "An act to change the times of holding court in the Fifteenth judicial district."

Passed by a two-thirds vote; ayes 90, noes 3.

Senate bill No. 206, "An act to amend article 576, title 20, chapter 3 of the Revised Civil Statutes of the State of Texas and to validate certain increase of capital stock of private corporations heretofore issued."

Senate bill No. 241, "An act to extend the time within which lands that have been sold for taxes and bought in by the State, cities and towns may be redeemed," with amendments.

Passed by two-third vote; yeas 91, nays none.

Substitute Senate bill No. 25, "An act to regulate the practice in the courts of civil appeals of the State of Texas, in relation to reversal of cases where verdicts and judgments are held excessive, and to require such courts to indicate the amount of such excess, and to provide for filing remittiturs, and to define the effect thereof."

Passed by two-third vote; ayes 95, nays 3.

Respectfully,

GEO. W. FINGER.

Chief Clerk House of Representatives.

Senator Cranford moved to suspend pending business and take up

House bill No. 635, "An act to diminish the civil and criminal jurisdiction of the county court of Delta county, and to repeal all laws in conflict herewith."

Carried.

Bill read second time.

Senator Hutchison spoke against the bill.

Senator Cranford spoke in favor of the bill.

Pending action, the following announcement was received from the House:

Mr. President: In accordance with a resolution adopted by the House of Representatives of the Twenty-third Legislature of the State of Texas, on the 7th day April, A. D. 1893, we a committee (appointed for that purpose) appear before your honorable body and in the name of the House of Representatives, and of all the people of the State of Texas do impeach the Hon. W. L. McGaughey, Commissioner of the General Land Office of the State of Texas, of high crimes and misdemeanors in office and for a violation of the Constitution and laws of the State and of his oath of office.

We further inform your honorable body that the House of Representatives will in due time exhibit particular articles of impeachment against him and make good the same. We therefore request that the Senate take order for the appearance of the said W. L. McGaughey to answer to said impeachment, and to set a day and adopt rules for the hearing of the cause.

This committee has been appointed by the House as a board of managers to conduct the prosecution.

(Signed.)

T. S. SMITH, Chairman,
T. S. HENDERSON,
J. R. GOUGH,
L. T. DASHIELL,
J. A. BEALL,
B. A. CALHOUN,
E. W. FAGAN,
E. H. ROGAN,
T. C. WYNN.
ROBERT H. ROGERS.

Senator Lewis moved that the House be notified that in the impeachment of the Hon. W. L. McGaughey, Commissioner of the General Land Office, the Senate will take proper order therein of which due notice shall be given to the House of Representatives.

Carried.

House bill No. 635 was passed to its third reading by the following vote:

YEAS—21.

Agnew,	Jester,
Baldwin,	Lawhon,
Boren,	Lewis,
Cranford,	McKinney,
Crowley,	Presler,
Dean,	Shelburne,
Dickson,	Smith,
Douglass,	Steele,
Goss,	Swayne,
Greer,	Tips.
Imboden,	

NAYS—1.

Hutchison.

ABSENT—2.

Bowser, McComb.

EXCUSED—7.

Atlee, Whitaker,
Browning, Woods,
Kearby, Yoakum.
Simpson,

Senator Cranford moved that the constitutional rule requiring bills to be read on three several days be suspended and the bill put upon its third reading and final passage.

Carried by the following vote:

YEAS—19.

Agnew, Jester,
Baldwin, Lawhon,
Boren, Lewis,
Cranford, McKinney,
Dean, Presler,
Dickson, Shelburne,
Douglass, Smith,
Goss, Steele,
Greer, Swayne.
Imboden,

NAYS—2.

Hutchison, Tips.

ABSENT—3.

Bowser, McComb.
Crowley,

EXCUSED—7.

Atlee, Whitaker,
Browning, Woods,
Kearby, Yoakum.
Simpson,

Senator Imboden moved a call of the Senate which was ordered, the following answering:

PRESENT—21.

Agnew, Jester,
Baldwin, Lawhon,
Boren, Lewis,
Cranford, McKinney,
Dean, Presler,
Dickson, Shelburne,
Douglass, Smith,
Goss, Steele,
Greer, Swayne,
Hutchison, Tips.
Imboden,

ABSENT WITHOUT LEAVE—3.

Bowser, McComb.
Crowley,

EXCUSED—7.

Atlee, Whitaker.
Browning, Woods,
Kearby, Yoakum.
Simpson,

Pending call of the Senate the Chair referred the following House bills:

IN SENATE.

House bill No. 657, a bill to be entitled "An act to create

a more efficient road system in the county of Guadalupe, and auxiliary thereto; to provide for the appointment of road overseers; to define the powers and jurisdiction of the commissioners court with regard thereto; to utilize the labor of county convicts and defaulting poll taxpayers on the public roads of said county, and provide adequate penalties for the violation of the provisions of this act."

Read first time and referred to Committee on Roads and Bridges.

House bill No. 687, being "An act to amend an act entitled an act to reorganize the Fifteenth judicial district and the Fortieth judicial district and to amend chapter 67, section 15 of the General Laws of the State of Texas approved April 6, 1883, redistricting the State for judicial purposes, and to amend section 2, chapter 58 of the General Laws of Texas, approved March 27, 1885, creating the Fortieth judicial district, and to amend section 1 of an act passed at the regular session of the Twenty-third Legislature reorganizing the Fifteenth and Fortieth judicial districts, and fixing the time for holding the courts therein."

Read first time and referred to Committee on Judicial Districts.

House substitute for House bill No. 652, being "An act to protect employes and guarantee their rights to belong to labor organizations, and to provide penalties and punishments against persons and corporations for violations of this act."

Read first time and referred to Committee on Labor.

House bill No. 457, a bill to be entitled "An act to amend title 10 of the Code of Criminal Procedure of the State of Texas by adding article 852a," relating to appeals in certain cases.

Read first time and referred to Judiciary Committee No. 2.

House bill No. 577, a bill to be entitled "An act to prevent the catching or taking of fish, except with the ordinary hook, line and pole, or trot line, and to prevent the use of traps, nets, seines, chinaberries, indiaberries or other poisonous substances, or dynamite, giant powder, nitro-glycerine or other explosive compounds in any waters in Cherokee county, Texas, for the purpose of catching or taking of fish therefrom."

Read first time and referred to Judiciary Committee No. 2.

Senators Bowser, McComb and Crowley were announced.

The Senate being full,
House bill No. 635 was read third

time and passed by the following vote:

YEAS—23.

Agnew,	Jester,
Baldwin,	Lawhon,
Boren,	Lewis,
Bowser,	McComb,
Cranford,	McKinney,
Crowley,	Presler,
Dean,	Shelburne,
Dickson,	Smith,
Douglass,	Steele,
Goss,	Swayne,
Greer,	Tips.
Imboden,	

NAYS—1.

Hutchison.

EXCUSED—7.

Atlee,	Whitaker,
Browning,	Woods,
Kearby,	Yoakum.
Simpson,	

Senator Cranford moved to reconsider the vote by which House bill No. 635 passed, and to lay that motion on the table.

Tabled.

Senator Smith called up

Substitute House bills Nos. 30, 115, etc., entitled "An act to provide for the more efficient system of public free schools for the State of Texas, defining the school funds, providing for the investment of the permanent fund and the apportionment of the available fund; defining the duties of certain State officers in reference to the public free schools, creating the offices of State and county superintendents; providing for their election and salary and prescribing their qualification and duties; prescribing the duties of other officers in reference to public schools and public school funds; making county judges ex-officio county superintendents, and providing for their compensation; providing for the election of school trustees and prescribing their qualifications and duties; providing for the creation of school districts in all the counties of this State; providing for the levy and collection of special taxes for the further maintenance of the public free schools and the erection of school houses; providing for boards of examiners and the issuance of teachers' certificates; providing compensation and prescribing the duties of teachers employed thereunder, and preventing the altering or changing of teachers' certificates; regulating the transfer of school funds; fixing the scholastic age; providing for taking the scholastic census; authorizing trustees to administer oaths, and providing penalties for

39—Senate

refusing to answer questions in regard to the age of children, and other penalties for the violation of this act; and declaring an emergency."

Senator Baldwin moved to suspend pending business and take up,

Substitute House bill No. 112, "An act to provide for the protection of domestic animals, for the creation of a livestock sanitary commission, for the establishment of livestock quarantine lines, rules and regulations, to provide penalties for violating the same, and to make an appropriation to carry out the provisions of this act."

Lost.

The Senate then began consideration of substitute House bills Nos. 30, 115, etc. (caption given above), action being on the twentieth committee amendment, to-wit:

"Strike out the engrossed rider."

Adopted.

Senator Tips moved to consider the bill by sections.

Lost.

By Senator Imboden:

Strike out the words "civil government" in line 23, page 31, and insert in lieu thereof the following words: "The Constitutions of the United States and the State of Texas."

By Senator Hutchison:

Substitute for amendment:

Strike out "civil government."

Lost.

(Senator Steele in the chair.)

By Senator McComb:

Substitute:

Amend by inserting between the words "history" and "civil" in line 23, subdivision c, page 31, the words "elementary principles of."

Adopted.

(Lieutenant Governor Crane in the chair.)

The amendment as substituted was then adopted.

By Senator Tips:

Amend section 2 by adding after line 19 the following: "Unless fraudulently issued or issued in violation of constitutional limitation."

Adopted.

By Senator Jester:

Amend section 68 by inserting after the word "sixty," in line 16, the following words: "The county superintendent may, upon the petition of the local board of trustees of any school district or community, issue local permanent teacher's certificate to any teacher who has rendered eminent service as a teacher in said school or county for a continuous period of five years, the said local permanent

certificate to be of the same grade and class as that held by the said teacher during the five years of such service, and to be valid only in the school or county where such service has been rendered during the continuous employment of said teacher in said school or county. The county superintendent shall require certificates from a sufficient number of credible witnesses to establish beyond question the requirements for said certificate.

By Senator Imboden:

Substitute:

Amend section 68, by inserting after the word "sixty" in the sixteenth line, the following words: "The county superintendent, may upon the petition of the local board of trustees of any school district, issue a local permanent teacher's certificate to any teacher who has rendered eminent service as a teacher in a school of said school district for a continuous period of five years, the said local permanent certificate to be of the same grade and class as that held by the said teacher during the five years of such service, and to be valid only in the school where such service has been rendered during the continuous employment of said teacher in said school. The county superintendent shall require certificates from a sufficient number of credible witnesses to establish beyond question the requirements of said certificate.

Lost.

By Senator Douglass:

Amend the amendment (Jester's) by inserting the words "or county judge" after the words "county superintendent."

Pending further action, by consent, Senator Lewis offered the following: *Be it resolved*, That a select committee of three be appointed by the President to consider matters relating to the message of the House of Representatives impeaching the Hon. W. L. McGaughey, Commissioner of the General Land Office, and to consider and report from time to time the procedure and arrangements with respect thereto.

Adopted.

By Senator Swayne:

A bill to be entitled "An act to amend article 566, chapter 2, title 20, of the Revised Civil Statutes of the State of Texas as amended by the Twenty-second Legislature, chapter 101, page 161."

Read first time and referred to Committee on Internal Improvements.

Senator Agnew called up

Senate bill No. 20, "An act to amend article 1139 of title 28, chapter 1, of the Revised Civil Statutes of the State of Texas and to add thereto articles 1139a, 1139b and 1139c," with House amendment thereto, and moved that the Senate concur in said amendment.

Concurred.

HOUSE MESSAGE.

HOUSE OF REPRESENTATIVES.

AUSTIN, TEXAS, April 14, 1893.

Hon. M. M. Crane, President of the Senate:

SIR: I am directed by the House to inform the Senate of the passage by the House of the following bills, to-wit:

Senate bill No. 146, "An act to amend chapter 10, title 84, article 4232, of the Revised Statutes of the State of Texas, as amended by an act approved March 21, 1883."

Senate bill No. 20, "An act to amend article 1139 of title 28, chapter 1 of the Revised Civil Statutes of the State of Texas, and to add thereto articles 1139a, 1139b and 1139c," with amendments.

Substitute Senate bill No. 143, "An act to provide for the payment by new counties of their proportionate share of the indebtedness of the older counties from which they were created," with amendments.

Respectfully,

GEO. W. FINGER,

Chief Clerk House of Representatives.

On motion of Senator Dean the Senate adjourned to 3 p. m. to-day.

AFTERNOON SESSION.

Senate met pursuant to adjournment.

Lieutenant Governor Crane in the chair.

Roll called.

No quorum, the following Senators answering to their names:

PRESENT—20.

Boren,	Jester,
Bowser,	Lawhon,
Cranford,	Lewis,
Crowley,	McComb,
Dickson,	McKinney,
Douglass,	Presler,
Goss,	Smith,
Greer,	Steele,
Hutchison,	Swayne,
Imboden,	Tips.

ABSENT—4.

Agnew,	Dean,
Baldwin,	Shelburne.

EXCUSED—7.

Atlee,	Whitaker,
Browning,	Woods,
Kearby,	Yoakum.
Simpson,	

Senator Jester moved a call of the Senate, which was ordered, the following answering to their names:

PRESENT—20.

Boren,	Jester,
Bowser,	Lawhon,
Cranford,	Lewis,
Crowley,	McComb,
Dickson,	McKinney,
Douglass,	Presler,
Goss,	Smith,
Greer,	Steele,
Hutchison,	Swayne,
Imboden,	Tips.

ABSENT WITHOUT LEAVE—4.

Agnew,	Dean,
Baldwin,	Shelburne.

EXCUSED—7.

Atlee,	Whitaker,
Browning,	Woods,
Kearby,	Yoakum.
Simpson,	

Senator Dean was announced.

There being a quorum present the Senate resumed consideration of

Substitute House bills Nos. 30, 115, etc., entitled "An act to provide for the more efficient system of public free schools for the State of Texas, defining the school funds, providing for the investment of the permanent fund and the apportionment of the available fund; defining the duties of certain State officers in reference to the public free schools; creating the offices of State and county superintendents; providing for their election and salary and prescribing their qualification and duties; prescribing the duties of other officers in reference to public schools and public school funds; making county judges ex-officio county superintendents, and providing for their compensation; providing for the election of school trustees, and prescribing their qualifications and duties; providing for the creation of school districts in all the counties of this State; providing for the levy and collection of special taxes for the further maintenance of the public free schools and the erection of school houses, providing for boards of examiners and the issuance of teachers' certificates; providing compensation and prescribing the duties of teachers employed thereunder, and preventing the altering or changing of teachers' certificates; regulating the transfer of school

funds; fixing the scholastic age; providing for taking the scholastic census; authorizing trustees to administer oaths, and providing penalties for refusing to answer questions in regard to the age of children, and other penalties for the violation of this act; and declaring an emergency."

Action being on Senator Douglass' amendment to the amendment offered by Senator Jester.

Senator Jester accepted the amendment.

Senator Jester's amendment as amended was adopted.

By Senator Tips:

Amend section 2, line 22, by inserting before the word "evidence" the words "prima facie."

Adopted.

By Senator Imboden:

Amend section 67c by adding at the end of line 28 the following words: "Provided, that if the applicant make a general average on the prescribed subjects of eighty-five, and on each subject a grade of not less than fifty, the certificate shall be valid for four years."

Adopted.

By Senator Lawhon:

Amend section 64, page 29, by adding after the word "applies," in line 6, the following: "And if a male, that he is at least 20 years of age; and if a female, that she is at least 17 years of age."

Lost.

By Senator Tips:

Amend section 12, line 2, page 8, by striking out "seventeen" and insert "sixteen."

By Senator Imboden:

Substitute:

Strike out "seventeen" and insert "twenty."

Lost.

By Senator Imboden:

Substitute:

Strike out "seventeen" and insert "eighteen."

Lost.

Senator Tips' amendment was then lost by the following vote:

YEAS—11.

Baldwin,	McComb,
Dean,	McKinney,
Dickson,	Presler,
Hutchison,	Steele,
Jester,	Tips.
Lewis,	

NAYS—13.

Agnew,	Greer,
Boren,	Imboden,
Bowser,	Lawhon,
Cranford,	Shelburne,

Crowley,
Douglass,
Goss,

Smith,
Swayne.

EXCUSED—7.

Atlee,
Browning,
Kearby,
Simpson,

Whitaker,
Woods,
Yoakum.

By Senator Presler:

Amend section 17 as amended by inserting after the word "composition" the following: "Physiology and hygiene, including the effects of alcoholic stimulants and narcotics the human system."

Senator McComb moved that the call of the Senate be suspended.

Carried.

(Senator Douglass in the chair.)

Senator Presler's amendment was adopted by the following vote:

YEAS—14.

Agnew,
Boren,
Bowser,
Cranford,
Dickson,
Goss,
Greer,

Imboden,
Jester,
McKinney,
Presler,
Smith,
Steele,
Swayne.

NAYS—8.

Crowley,
Dean,
Douglass,
Hutchison,

Lawhon,
Lewis,
Shelburne,
Tipton.

ABSENT—2.

Baldwin,

McComb.

EXCUSED—7.

Atlee,
Browning,
Kearby,
Simpson,

Whitaker,
Woods,
Yoakum.

Senator Lewis, by consent, offered the following resolution:

Whereas, The Twenty-third Legislature has now been in session over ninety days, and there yet remains business of importance demanding the attention of the said Legislature, and

Whereas, It is necessary for the dispatch of business that the members of said Legislature be given an opportunity to return to their homes for the purpose of arranging their private business affairs for a further absence; therefore be it

Resolved by the Senate, the House of Representatives concurring, That on April 22, A. D. 1893, at 5 o'clock p. m., the Twenty-third Legislature take a recess and adjourn until and to meet again on the second Monday in June, 1893, it being the 12th day of said month.

COMMITTEE REPORTS.

COMMITTEE ROOM,
AUSTIN, TEXAS, April 14, 1893.

Hon. M. M. Crane, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred

House bill No. 213, entitled "An act to amend article 573, chapter 4, title 7 of the Revised Code of Criminal Procedure of the State of Texas, and to add thereto article 573a and 573b, providing for the appointment of special judges of the county court in criminal cases where the county judge is disqualified,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it *do pass*.

DEAN, Acting Chairman.

COMMITTEE ROOM,
AUSTIN, TEXAS, April 14, 1893.

Hon. M. M. Crane, President of the Senate:

Your Committee on Finance, to whom was referred

House bill No. 192, entitled "An act to authorize the State Treasurer to pay to the county treasurer of any county in this State any excess of subsidy taxes paid by such county, after the subsidy bonds of such county and interest thereon has been paid, and to authorize the treasurer of such county to receive and receipt for same,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it *do pass*.

JESTER, Chairman.

COMMITTEE ROOM,
AUSTIN, TEXAS, April 14, 1893.

Hon. M. M. Crane, President of the Senate:

Your Committee on Internal Improvements, to whom was referred

Senate bill No. 292, entitled "An act to amend article 566, chapter 2, title 20, of the Revised Civil Statutes of the State of Texas, as amended by the Twenty-second Legislature,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it *do pass*.

SWAYNE, Chairman.

COMMITTEE ROOM,
AUSTIN, TEXAS, April 14, 1893.

Hon. M. M. Crane, President of the Senate:

Your Committee on Internal Improvements, to whom was referred

Senate concurrent resolution No. 18, requiring the Senators and Representatives of Texas in congress to secure an appropriation to open the

Trinity river for permanent navigation.

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass.

SWAYNE, Chairman.

HOUSE MESSAGE.

HOUSE OF REPRESENTATIVES,

AUSTIN, TEXAS, April 14, 1893.

Hon. M. M. Crane, President of the Senate:

Sir: I am directed by the House to inform the Senate of the passage by the House of the following bill, to-wit:

Senate bill No. 238, "An act to provide for the registration of brands, trade marks, etc., of boxes, tountains, syphons, bottles, or other receptacle of carbonated goods, and providing penalties for violations of said act."

And that the House concurs in Senate amendments to House bill No. 1, known as the wolf scalp bill.

Respectfully,

GEO. W. FINGER,

Chief Clerk House of Representatives.

By Senator Boren:

Amend section 54 on page 26 by striking out all after the word "age" in line 9 and insert the following: "Provided, that teachers holding first grade certificates and who shall have been given (by the board of examiners) an average grade of eighty-five (85) per cent shall in no case receive a salary of more than seventy-five dollars per month. On an average grade of seventy-five (75) per cent not more than sixty-five dollars per month, and on an average of sixty-five (65) per cent not more than sixty dollars per month."

That teachers holding a second grade certificate and who shall have been given an average of eighty-five (85) per cent (by the board of examiners), shall in no case receive a salary of more than fifty dollars per month. On an average of seventy-five (75) per cent, not more than forty-five dollars, and an average of sixty-five per cent not more than forty dollars.

That teachers holding a third grade certificate and who shall have been given an average grade (by the board of examiners) of eighty-five per cent shall not receive more than thirty-five dollars per month as a salary, on an average of seventy-five per cent not more than twenty-five dollars, and an average of sixty-five per cent not more than twenty dollars, which average shall be stated on the teacher's certificate.

By Senator Baldwin:

Amend the amendment by striking out "\$25" and insert "\$30;" also, strike out "\$20" wherever it appears and insert in lieu thereof "\$25."

Senator Boren accepted the amendment.

(Lieutenant Governor Crane in the chair.)

The amendment as amended was then lost.

By Senator Lawhon:

Amend section 1 by adding after the word "Texas," in line 1, page 2, the word "that," and strike out all balance of section 1.

Lost.

By Senator Tips:

Amend section 20 by inserting in line 7, after the word "education," the following: "Provided, that no greater number shall be employed than the Legislature has appropriated salaries for."

Adopted.

By Senator Jester:

Amend section 48, line 11, after "county taxes," add: "A special tax voted in any district after the levy of county taxes shall be levied at any meeting of the commissioners court prior to the delivery of the assessment rolls by the assessor."

Adopted.

By Senator Tips:

Amend section 21, line 5, page 10 by striking out the word "and" where it appears the second time.

Adopted.

By Senator Imboden:

In section 12 strike out the word "eight" and insert the word "seven."

Lost.

Senator Baldwin moved to reconsider the vote by which Senator Imboden's amendment was lost.

Lost.

By Senator Boren:

Amend section 77, page 37, by striking out "Superintendent of Public Instruction" in line 1, and inserting in lieu thereof "board of education." Also, strike out all after "State" in line 3, and insert the following: "Who shall serve for a term of two years, unless removed by said board for cause."

By Senator Goss:

Amend the amendment by inserting before the word "board" the word "State."

Adopted.

The amendment as amended was then lost.

By Senator Tips:

Amend section 26b, page 11, by inserting in line 6, after the word "treas-

urer," the following: "Or treasurer of the school board of each city or town having exclusive control of its schools."

Adopted.

By Senator Imboden:

Strike out the word "eight," in line 1, section 12, and insert in lieu thereof the word "six."

Lost.

By Senator Jester:

Amend section 49 by striking out the word "that" in line 8, and all the words thereafter down to and including the word "fifty" in line 10, and inserting in lieu thereof the following: "The board of trustees shall have authority, whenever the average daily attendance exceeds thirty-five pupils, to employ one competent assistant for every thirty-five pupils of such excess and fractional part thereof exceeding fifteen pupils."

Adopted.

By consent, Senator Swayne offered the following:

Whereas, The Senate has not been in session this week until to-day, and

Whereas, Many bills of importance demand the attention of the Senate; therefore be it

Resolved, That when the Senate adjourns this afternoon that it adjourn to meet to-night at 8 o'clock to take up other bills than the school bill.

Senator Imboden made the point of order that the Senate could not adopt the resolution because it would operate a change of the rules.

Not sustained.

By Senator Imboden:

Substitute for the resolution:

Resolved, That when the Senate adjourn its present session it be till 8 o'clock to-night.

Adopted by the following vote:

YEAS—13.

Boren,	Lawhon,
Cranford,	Lewis,
Dean,	McKinney,
Douglass,	Shelberne,
Goss,	Smith,
Imboden,	Tips.
Jester,	

NAYS—9.

Agnew,	Hutchison,
Baldwin,	Presler,
Crowley,	Steele,
Dickson,	Swayne.
Greer,	

ABSENT—2.

Bowser,	McComb,
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EXCUSED—7.

Atlee,	Whitaker,
Browning,	Woods,
Kearby,	Yoakum.
Simpson,	

The resolution as substituted was then adopted.

By Senator Jester:

Amend by striking out sections 53 and 58 and renumbering the subsequent sections.

Senator Dean moved to table the amendment.

Lost.

The amendment was then adopted.

By Senator Douglass:

Amend section 80 by striking out all after the word "may" in line 5, down to and including the word "fund" in line 6.

Adopted.

By Senator Tips:

Amend section 33, page 13, line 9 by inserting the word "and" after the word "schools."

Adopted.

By Senator Tips:

Amend section 33, lines 1 and 2, by striking out "15th day of July" and inserting in lieu thereof "1st day of August."

Adopted.

By Senator Goss:

Amend section 62 by striking out all after the word "superintendent," in line 3, down to and including the word "certificates," in line 8.

Adopted.

By Senator Tips:

Amend section 30 by inserting in line 4, after the word "fund," the following: "Provided, that said board shall make no allowance of funds in excess of the amounts appropriated by the Legislature for this department and."

Adopted.

By Senator McComb:

Amend section 68 by striking out the words "general history and zoology" in line 4.

Adopted.

By Senator Imboden:

On page 31, in subdivision "d," of section 67, amend by striking out the words "the elements of political economy" and insert in lieu thereof the following words: "The Constitutions of the United States and the State of Texas."

Adopted.

Pending further action the Chair directed the following invitation to be read, to-wit:

The ladies of San Antonio cordially invite you to witness a "Battle of Flowers," to take place in this city April 21, 1893, in commemoration of the battle of San Jacinto.

MRS. J. H. FRENCH,

President.

MRS. A. W. HOUSTON,
Committee on invitation.

Senator Lawhon moved to reconsider the vote by which the resolution providing for a night session was adopted.

Senator Baldwin moved to table the motion to reconsider.

Pending action, the Chair directed the following message from the Governor to be read:

EXECUTIVE OFFICE,
AUSTIN, TEXAS, April 14, 1893.

To the Senate of the State of Texas:

I ask your advice and consent to the appointment of S. R. Scott, of Falls county, to be judge of the Fifty-fourth judicial district of Texas, and the appointment of I. B. Runyon, of Brazoria county, to be commissioner of pilots for the port of Velasco (mouth of the Brazos river.)

Respectfully,

J. S. HOGG,
Governor of Texas.

Senator Dean moved that the Senate go into executive session on next Tuesday to consider the Governor's appointments.

Senator Lewis moved as a substitute that the Senate go into executive session on next Tuesday at 11 a. m. to consider all pending messages from the Governor.

Senator Dean accepted the substitute and the same was adopted.

Pending action on Senator Lawhon's motion to reconsider, Senator Swayne moved to adjourn.

Lost by the following vote:

YEAS—10.

Baldwin,	McComb,
Boren,	Smith,
Bowser,	Steele,
Imboden,	Swayne,
Jester,	Tips.

NAYS—13.

Agnew,	Hutchison,
Crowley,	Lawhon,
Dean,	Lewis,
Dickson,	McKinney,
Douglass,	Presler,
Goss,	Shelburne.
Greer,	

ABSENT—1.

Cranford.

EXCUSED—7.

Atlee.	Whitaker,
Browning,	Woods,
Kearby,	Yoakum.
Simpson,	

Senator Baldwin's motion to table was lost.

Senator Lawhon's motion to reconsider was then adopted.

Pending action on the adoption of the resolution (Swayne's) Senator

Steele moved to adjourn to 9:30 a. m. to-morrow.

Senator Dean moved to adjourn to 10 a. m. to-morrow.

Senator Baldwin moved to adjourn to 8:30 to-morrow morning.

The vote occurring on the longest time first the Senate adjourned to 10 a. m. to-morrow.

EIGHTY-SECOND DAY.

SENATE CHAMBER,
AUSTIN, TEXAS, April 15, 1893.

Senate met pursuant to adjournment.

Lieutenant-Governor Crane in the chair.

Roll called.

Quorum present, the following Senators answering to their names:

PRESENT—24.

Agnew,	Imboden,
Baldwin,	Jester,
Boren,	Lawhon,
Bowser,	Lewis,
Cranford,	McComb,
Crowley,	McKinney,
Dean,	Presler,
Dickson,	Shelburne,
Douglass,	Smith,
Goss,	Steele,
Greer,	Swayne,
Hutchison,	Tips.

EXCUSED—7.

Atlee,	Whitaker,
Browning,	Woods,
Kearby,	Yoakum.
Simpson,	

The Chaplain, Dr. Briggs, being absent, Rev. G. C. Rector, pastor of the Twenty-fourth street church, Austin, prayed as follows:

Our Heavenly Father, we thank Thee for the new morning. May the gladness of its sunshine be an earnest of the joy that shall thrill the hearts of all Thy people this day. May the unclouded purity of its skies and the chastened brightness of its light symbolize the virtue and integrity of those who walk within its glory. May the song from hedge-row and leafy covert inspire an anthem of praise to God in every soul. May the fragrance that fills the air provoke the exhalations of love to Christ from each human heart. May the stir of life in nature around us awaken the slothful and move us all to useful activity. We ask for Jesus' sake. Amen.

Pending reading of the journal of yesterday,